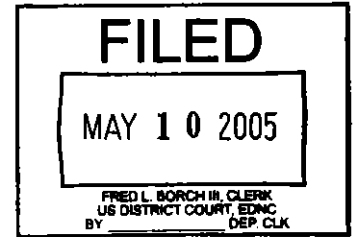


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION



NO. 5:04-CR-211-BO(1)

UNITED STATES OF AMERICA

v.

DAVID A. PASSARO

DEFENDANT'S STATEMENT OF  
PUBLIC AUTHORITY DEFENSE  
WITNESSES

Fed. R. Crim. P. 12.3(a)(4)(B)

(Filed In Camera and Under Seal with the  
Court Security Officer)

DAVID A. PASSARO, defendant in the above-captioned case, by and through counsel, hereby submits this complete statement of public authority defense witnesses. Fed. R. Crim. P. 12.3(a)(4)(B); Feb. 5, 2005 Court Order (Attached). THIS SUBMISSION DOES NOT REQUIRE ACTION BY THE COURT.

In addition to those persons identified in the initial notice dated January 13, 2005 (DE-72), Mr. Passaro intends to rely upon the following former (except for Director Goss) employees of the Central Intelligence Agency to establish his public authority defense:

J. Cofer Black  
Vice-Chair, Blackwater USA  
850 Puddin Ridge Road  
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(252) 435-2050

Porter J. Goss  
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Central Intelligence Agency  
Washington, D.C., 20505  
(703) 482-0623

Stephen R. Kappes  
Executive Vice-President, Global Strategy  
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John E. McLaughlin  
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Michael J. Sulick  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

Michael Scheuer  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

James L. Pavitt  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

Mr. Passaro also submits updated contact information for George J. Tenet and Alberto R. Gonazales, who were both listed in Mr. Passaro's initial notice (DE-72).

George J. Tenet  
Distinguished Professor in the Practice of Diplomacy  
Edmund A. Walsh School of Foreign Service, Georgetown University  
301 InterCultural Center  
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Alberto R. Gonzales  
United States Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
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Respectfully submitted this 10<sup>th</sup> day of May, 2005.

Thomas P. McNamara

THOMAS P. McNAMARA  
Federal Public Defender  
N.C. State Bar No. 5099

*CERTIFICATE OF SERVICE*

I HEREBY CERTIFY that pursuant to paragraph 20 of the Protective Order issued by the Court on July 29, 2004, a copy of the foregoing was submitted to Dan Hartenstine, a Court Security Officer identified in paragraph 4 of the Protective Order, and James A. Candelmo, Assistant United States Attorney, by hand delivering a copy of same.

This the 10<sup>th</sup> day of May, 2005.

Thomas P. McNamara

THOMAS P. McNAMARA  
Federal Public Defender  
N.C. State Bar No. 5099